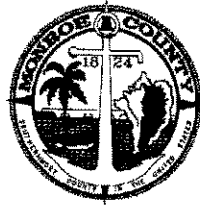


County of Monroe


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Board of County Commissioners
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MEMORANDUM

TO: Board of County Commissioners

FROM: Timothy J. McGarry, AICP 
Director of Growth Management

DATE: June 3, 2005

SUBJECT: **Public Hearing on Comprehensive Package of Amendments
to the Comprehensive Plan and Land Development Regulations
for Implementation of Goal 105 – Tier System**

Overview

At the May 17, 2005, public hearing, the Board directed staff to prepare revisions to the draft ordinances amending the Comprehensive Plan and Land Development Regulations. The staff has completed its revisions for consideration by the Board at the June 14, 2005, public hearing. At the meeting, the Board will be asked to approve the two transmittal resolutions submitting the proposed ordinances to amend the Comprehensive Plan to DCA for review and comment.

This memorandum is intended to provide a summary of the major revisions made to the draft ordinances by staff since the May 17th public hearing. [Please note: This memorandum is intended to serve as an update to the individual staff reports included with each separate ordinance, which have not been revised and are not included in the agenda package.]

Public Hearing Procedures and Outcome

The staff is requesting that the public hearings on all the ordinances, including the transmittal resolutions, be held concurrently. It is further suggested that the staff be permitted to provide a brief presentation on the substantive changes prior to public comment.

After taking public comment, the Board is requested to consider approving the two transmittal resolutions to submit the two proposed ordinances amending the Comprehensive Plan to DCA with any revisions to the proposed ordinances, it may deem appropriate. No action is required on the four ordinances amending the Land Development Regulations or the ordinance adopting the Tier Overlay District Map. These ordinances will not be considered for adoption until after the BOCC

has adopted the two ordinances amending the Comprehensive Plan, which will not occur until after the County has received DCA's review comments.

Summary of Substantive Changes

In addition to minor editorial changes to improve text or correct typographical errors, the staff has made numerous revisions to all seven ordinances based on the Board's direction at the May 17, 2005 public hearing. Many of these changes were needed to eliminate inconsistencies in the policies resulting from the combination of Tier II designated areas with Tier III designated areas outside of Big Pine Key and No Name Key.

1. Ordinance Amending HEI and Environmental Requirements of the Comprehensive Plan

- O *Policy 6, page 4:* Revised language to state the case for mutual responsibility and accountability in a more politically effective manner upon advice of Division special legal counsel.
- O *Policy 101.4.22, page 4:* Revised the clearing limits for Tier I properties from 10% to 20%; added under "Permitted Clearing" "Big Pine Key and No Name Key" to clearly identify that Tier II properties are only on these islands; and, decreased the permitted clearing of Tier III lots to 40% or 3,000 square feet whichever is greater.
- O *Policy 102.4.2, page 5:* The following changes were made:
 - 4. Eliminated reference to Tier II lands with "patches of upland native habitat of one acre or greater".
 - 7. Deleted "Tier II" from lands to be acquired for employee and affordable housing.
 - 10. Added language about acquiring lands with habitat value on Big Pine Key and No Name Key to meet requirements of Habitat Conservation Plan.
- O *Policy 102.4.3, page 6:* Revised policy to reflect elimination of Tier II for acquisition and replace it with wetlands and fragmented habitat of one acre or more in size outside of Tier I.
- O *Policy 102.4.6, page 6:* Deleted references to Tier II lands for affordable housing.
- O *Policy 205.1.1, pages 12-13:* Revised policy comprehensively to reflect the Board's decision to combine Tiers II and III except on Big Pine Key and No Name Key; specify that the criteria for Tier I, II, and III on Big Pine and No Name Key is based on Habitat Conservation Plan; and, to exclude the Ocean Reef development from the Tier system.

2. **Ordinance Amending Comprehensive Plan to Revise ROGO/NROGO**

- O *General:* Eliminated all references to the lottery option under ROGO and inserted references to Big Pine Key and No Name Key to clarify that Tier II designated areas are only on those two islands.
- O *Policy 101.5.5, 1. Tier Designation, page 7:* Increased the points for Tier I to “+10” from “0”;
- O *Policy 101.5.5, 4. Land Dedication, page 9:* Eliminated reference to “Tier II” for affordable housing.
- O *Policy 101.5.5, 5. Market Rate Housing in Employee or Affordable Housing Project, page 11:* Increased the number of points from “+3” to “+6”.
- O *Policy 101.5.5.8., Payment to Land Acquisition Fund, page 12:* Revised language to provide for purchase of up to 2 points in ROGO and require the value of the points is to be based on average fair market value of vacant, privately-owned, buildable IS/URM zoned platted lots in Tier I.
- O *Policy 101.5.5, 1., Tier Designation, page 12:* Inserted language that allows existing non-residential development in Tier I to be scored the same as Tier III under NROGO subject to certain limitations.
- O *Policy 101.5.5, 10, Payment to Land Acquisition Fund, page 15:* Revised language for NROGO to mirror language in ROGO.
- O *Policy 101.6.5, page 19:* Revised language to eliminate references to Tier II; and, eliminated clearing limits, which are now controlled by Tier designation.

3. **Ordinance Amending LDRS to Eliminate Need for HEI and Other Environmental Regulations**

- O *Section 5, Section 9.5-347 (b):* Revised the clearing limits for Tier I properties from 10% to 20%; added asterisk under “Permitted Clearing” to clearly identify that Tier II properties are only on these islands; and, decreased the permitted clearing of Tier III lots from 60% to 40% or 3,000 square feet whichever is greater.

4. **Ordinance Amending LDRS to Revise ROGO and Affordable Housing Requirements**

- O *General:* Eliminated all references to lottery through ordinance and inserted Big Pine Key and No Name Key in any reference to Tier II to clarify that the only Tier II areas are on those two islands.

- *Section 9.5-120.3(b)(2)b. iii, page 6:* Eliminated reference to Tier II and clearing limitations.
- *Section 9.5-122(a)(6), page 9:* Inserted limits on the number of annual allocations that may be allocated to Tier I properties to a maximum of 3 in the Upper Keys and 3 in the Lower Keys.
- *Section 9.5-122.3(f), page 18:* Revised the language to state the conditions under which the option to purchase or provide a permit is preferred and eliminated references to Tier II and replaced it with upland tropical hardwood hammock of more than one acre or pinelands to implement the Board's policy direction.
- *Section 9.5-122.4(a), page 19:* Eliminated "+20" points for Tier II areas outside of Big Pine Key and No Name Key.
- *Section 9.5-122.4(d), page 20:* Eliminated reference to Tier II in dedication of lands for affordable housing.
- *Section 9.5-122.4(f), page 21:* Increased points for market rate units that are part of mixed affordable --market rate housing project from "+3" to "+6".
- *Section 9.5-122.4(j), page 23:* Revised language to allow for the purchase of up to 2 points in ROGO and require the value of the points is to be based on average fair market value of vacant, privately-owned, buildable IS/URM zoned platted lots in Tier I.
- *Section 9.5-266(a)(6) e., page 24:* Eliminated reference to Tier II designated areas.
- *Section 9.5-266(f)(1)d., page 25:* Added requirement that any affordable housing that is part of a project where market rate units are awarded "+6" points under Section 9.5-122.4(f) will be required to have a 99 year restrictive covenant as directed by the Board at the May public hearing.
- *Section 9.5-266(f)(3), previous draft ordinance:* Dropped this proposed section as it already has been enacted in the Monroe County Code.

5. **Ordinance Amending the LDRs to Establish Criteria for Tier Overlay District**

- *Section 9.5-256(b) Criteria, page 3:* Revised policy comprehensively to reflect the Board's decision to combine Tiers II and III except on Big Pine Key and No Name Key; to specify that the criteria for Tier I, II, and III on Big Pine and No Name Key is based on Habitat Conservation Plan; and, to exclude the Ocean Reef development from the Tier system.

6. **Ordinance Amending the LDRs to Revise NROGO**

- O *Section 9.5-124.7(e) and (f), pages 6-7:* Revised language on administrative relief options to parallel those for ROGO.
- O *Section 9.5-124.7(a)(1), pages 7-8:* Inserted language that allows existing non-residential development to be scored the same as Tier III under NROGO subject to no further clearing of upland native habitat and no addition to and/or expansion of the existing lot or parcel upon which the existing use is located.
- O *Section 9.5-124.7(a)(10), page 12:* Revised language to allow for the purchase of up to 2 points in ROGO; requires the value of the points to be based on average fair market value of vacant, privately-owned, buildable IS/URM zoned platted lots in Tier I.

7. **Ordinance to Adopt Tier Overlay District Map**

- O *Map revisions:* The maps have been revised to change all Tier II designated properties outside of Big Pine Key and No Name Key to Tier III.

Recommendation

The staff recommends that the Board adopt the Transmittal Resolutions to submit the two ordinances amending the Comprehensive Plan to DCA for review and comment.